

Notice of Allowability

Application No.

10/802,985

Examiner

Jinsong Hu

Applicant(s)

HALASZ, DAVID E.

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on 12/5/06.
2. ☒ The allowed claim(s) is/are 55, 57-59, 61-63, 65-67 and 69-70, now as 1-12.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears bellow. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as proved by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this Examiner's Amendment was given in a telephone interview with Mr. Larry B. Donovan (Reg. No. 47,230) on February 23, 2007.

In the Claims:

A. Please cancel claims 56, 60, 64 and 68.

B. Please amend claims 55, 59, 63 and 67 as follow:

Claim 55. (Currently amended) A system comprising:

a plurality of access points;

wherein each of the plurality of access points is configured to independently scan a plurality of operating frequencies to detect operating frequencies of other of the plurality of access points; and wherein each of the plurality of access points is configured to independently select an operating frequency to minimize interference based on non-

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overlapping frequencies, signal strength and load of the other of the plurality of access points detected; [[and]]

wherein highest priority is given to a non-overlapping frequency and second highest priority is given to signal strength; and

wherein the operating frequency selected is also based on is how many of the other of the plurality of access points are detected on each of the plurality of other operating frequencies.

Claim 59. (Currently amended) A method for wireless base unit to select an operating frequency, comprising:

scanning a plurality of operating frequencies to detect operating frequencies, signal strength and loads of other base stations within range of the wireless base unit;

independently selecting the operating frequency to minimize interference based on non-overlapping frequencies, signal strength and the load on the other base stations detected;

wherein highest priority is given to a non-overlapping frequency and second highest priority is given to signal strength; and

wherein the selecting step is additionally based on how many of the other access points are detected operating on each of the plurality of operating frequencies.

Claim 63. (Currently amended) A wireless base station comprising:

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means for detecting other base stations operating on each of a plurality of frequencies within range of the wireless base unit;

means for acquiring data representative of operating frequencies, signal strength and load of the other base stations operating on the plurality of frequencies from the means for detecting;

means for determining a non-overlapping frequency; and

means for selecting the operating frequency to minimize interference non-overlapping frequencies, signal strength and load of the other base stations detected;

wherein highest priority is given to non-overlapping frequency and second highest priority is given to signal strength; and

wherein means for selecting an operating frequency is further based on how many of the other base units are detected operating on each of the plurality of frequencies.

Claim 67. (Currently amended) An access point comprising:

a transceiver operative to transmit and receive signals on any of a plurality of frequencies;

a controller operatively coupled to the transceiver and configured to select an operating frequency for the transceiver from the plurality of frequencies;

wherein the transceiver is responsive to the controller to scan a plurality of frequencies to acquire data representative of operating frequencies,

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signal strength and load of other base stations operating on the plurality of frequencies;

wherein the controller is configured to select the operating frequency to minimize interference based on non-overlapping frequencies, signal strength and the load of the other access points detected;

wherein the highest priority is given to non-overlapping frequency and second highest priority is given to signal strength; and

wherein the controller is configured to select an operating frequency based on how many of the other access points are detected on each of the plurality of frequencies.

Reasons for allowance

3. The following is an examiner's statement of reasons for allowance:

Applicant's claimed invention distinguished over the prior art for the following reasons. The claims are allowable over the prior art of record because none of the references, either alone or in combination, discloses or renders obvious the method for wireless base unit to select an operating frequency, comprising the steps of scanning a plurality of operating frequencies to detect operating frequencies, signal strength and loads of other base stations within range of the wireless base unit; independently selecting the operating frequency to minimize interference based on non-overlapping frequencies, signal strength and the load on the other base stations detected; wherein highest priority is given to a non-overlapping frequency and second highest

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priority is given to signal strength; and wherein the selecting step is additionally based on how many of the other access points are detected operating on each of the plurality of operating frequencies.

Conclusion

4. Any comments considering necessary by applicant must be submitted no later than the payment of issue fee and, to avoid processing delays, should preferably accompany the issue fee.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Jinsong Hu', with a stylized flourish at the end.

Jinsong Hu

March 1, 2007